

IT IS ORDERED as set forth below:



Date: May 15, 2019

Susan D. Barrett

United States Bankruptcy Judge
Southern District of Georgia

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE

SOUTHERN DISTRICT OF GEORGIA
Augusta Division

| | | |
|----------------------------------|---|------------------------|
| IN RE: |) | Chapter 7 Case |
| |) | Number <u>14-12297</u> |
| SCIENCE FITNESS, LLC, |) | |
| |) | |
| Debtor |) | |
| <hr/> | | |
| EVANS PLAZA PARTNERS, LLC |) | |
| |) | |
| Plaintiff |) | |
| |) | |
| vs. |) | Adversary Proceeding |
| |) | Number <u>16-01035</u> |
| JOY R. WEBSTER, TRUSTEE |) | |
| EVANS FITNESS CLUB EXPRESS, LLC, |) | |
| |) | |
| Defendants |) | |
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**ORDER REFERRING ADVERSARY PROCEEDING TO MEDIATION AND SCHEDULING
BRIEFING AND NOTICE OF TRIAL**

Before the Court is the complaint filed by Evans Plaza Partners, LLC ("Landlord") against Evans Fitness Club Express, LLC ("Express") alleging Express improperly removed property belonging to Landlord causing it to sustain damages. Ownership and damages were bifurcated and the Court has entered an order determining ownership. Dckt. No. 136. At the status conference held May 9, 2019, the parties indicated their interest in mediating the issue of damages.

Based upon the parties consent, the remaining issue of damages is ORDERED REFERRED to the Honorable Michele J. Kim for mediation at a date and time in June 2019.

If mediation proves unsuccessful, the parties may conduct any depositions on or before **August 1, 2019**. Landlord shall file its brief on the issue of damages on or before **August 2, 2019** and Express shall file its responsive brief on or before **August 9, 2019**. NOTICE IS HEREBY GIVEN THAT: The trial on damages shall be held on:

August 14, 2019, at 10:00 a.m.
Federal Justice Center, Plaza Bldg.
600 James Brown Blvd (9th St.)
Augusta, GA 30901

If mediation is successful, the parties shall report to the Court that the matter has been resolved and the trial on damages shall be removed from the Court's calendar without further notice or hearing.

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